

# Understanding the Historical Evolution of Party-Sanctioned Legislative Distancing \*

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## Abstract

Legislators from electorally vulnerable districts often face countervailing pressures about whether to vote with their parties or whether to vote with their constituents. This is particularly true for legislators from mismatched districts (Democrats from Republican-leaning districts and Republicans from Democratic-leaning districts). In this paper I explore the legislative tools of *Personal Explanations* and *Pairing* that allows these mismatched legislators to signal to their constituents that they share their views, while simultaneously not harming the party legislatively. Indeed, this *party-sanctioned legislative distancing*, is optimal behavior electorally for both the legislators and the party they represent who would like to see them re-elected. Consistent with this theory of *party-sanctioned legislative distancing*, we observe legislators from mismatched districts defecting from their party at higher rates, but, importantly, only doing so when their votes are superfluous (not necessary for passage). In addition, this approach reveals a new method of estimating the effect of party pressure on legislative voting and suggests (perhaps a lower-bound) effect of 4% in both the modern and historical congresses.

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Legislators from electorally vulnerable districts often face countervailing pressures about whether to vote with their parties or with their constituents. This is particularly true for legislators from mismatched districts—Democrats from Republican-leaning districts and Republicans from Democratic-leaning districts—who face difficult choices about whether to follow their constituents’ preferences or their party’s preferences. If they follow their constituent’s preferences and vote against the party’s policy, they may face the wrath of their party’s leaders. Alternatively, if they follow their party’s preferences and vote against their constituent’s wishes, they may face the wrath of the voters and the ensuing electoral consequences.

Legislative parties, or to be precise legislative party leaders, may share in the dilemma facing mismatched legislators. From the perspective of the party leaders, while they may want electorally mismatched legislators to help pass their agenda, they may also be aware of the potential electoral costs of such actions. And in particular, how those potential electoral costs may hurt the party’s ability to maintain or attain majority status. From the party’s perspective, in an ideal world, if an electorally mismatched member’s vote was superfluous, the mismatched member would be able to signal fealty to the views of his or her constituents in a way that was costless to the party. Although they have been largely unnoticed by political scientists, the U.S. House of Representatives has evolved parliamentary procedures of *Personal Explanations* and *Leave of Absences* that together facilitate *party-sanctioned legislative distancing*.

To explore how party-sanctioned legislative distancing has evolved in the U.S. House of Representatives, I have constructed two new datasets—personal explanation data and leave of absence data—by drawing on information contained in the *Congressional Record*. A *Personal Explanation* is a claim from a member about how he or she would have voted (yea or nay) had he or she been present to cast a vote. They are without legislative impact and have no bearing on the outcome of the vote. But rather they are purely an exercise in position-taking

recorded in the *Congressional Record*. In essence the *Personal Explanations* are a cost-less way for cross-pressured members to distance themselves from their parties.

While the *Personal Explanation* procedure allows members to distance themselves from their party, the *Leave of Absence* data helps us to identify when they are strategically choosing to miss a vote and engaging in cost-less signaling behavior. A *Leave of Absence* is a notation in the *Congressional Record* from a Member's Party Leader indicating that a given member had a non-political reason not to be present for a particular vote or time period. In essence, we can use congressional *Leave of Absence* records to disentangle strategic from non-strategic abstention. By combining information about these two parliamentary procedures, we can observe when members are engaging in strategic and party-sanctioned legislative distancing behavior.

In addition to discussing party-sanctioned legislative distancing, I propose using information about personal explanations and leave of absences as a new approach to estimating the effect of party pressure. The influence of political parties in congressional politics has been one of the most fiercely debated topics in legislative political science. At one end of the spectrum, Krehbiel argues that positive and significant party effects are rare (Krehbiel, 1993, 1998, 2000), while at the other end of the spectrum and with slightly different underlying approaches, Cox, McCubbins, Aldrich and Rohde have argued in favor of substantial influence (Rohde, 1991; Aldrich, 1995; Cox and McCubbins, 1993, 2005; Aldrich and Rohde, 2001). In addition, how best to measure this influence has been the subject of substantial disagreement (Snyder and Groseclose, 2000; Bianco and Sened, 2005). In this paper, I argue that by exploiting these two new previously unexplored sources of data we can develop a new approach to measuring the influence of political parties.

By combining *personal explanation data* with *leave of absence data*, we can calculate a pure position-taking metric that allows us to isolate the effect of party pressure on congressional voting in a variety of temporal, legislative, and electoral contexts. We can use this

approach to explore how legislators vote when party pressure is removed, and, in particular, we can explore how members who face the greatest difference between party preferences and constituency preferences behave. Results suggest that in the modern era misaligned members (Democrats who represent Republican districts and vice versa) are 4 percentage points less likely to vote with their party and against their district's preferences when party pressure is removed. I then explore earlier eras of congressional history, when members used vote-pairing to achieve a similar goal. Although overall levels of party defection by mismatched legislators on actual roll call voting is substantially higher in earlier eras of congressional history, we observe a similar difference of four percentage points in the difference between actual voting by mismatched legislators and how they behave on symbolic (legislatively meaningless) votes in the context of strategic abstention.

## 1 Scrutinizing Roll Call Voting Data & Metrics

In recent years, several new studies have challenged the discipline's complacency with regards to the widespread use (and occasional misapplication) of roll call voting data and metrics (Noel, 2014; Caughey and Schickler, 2014; Bateman, Clinton and Lapinski, 2014; Roberts, 2007; Clinton and Lapinski, 2008; Jessee and Theriault, 2014; Crisp and Driscoll, 2012).<sup>1</sup> Despite this recent burst of additional scrutiny, the problem of missing votes and abstention has been notably absent. In the following section, I review the extant research on abstention and the missing vote problem, before discussing the new Personal Explanation Data and Leave of Absence Data that I use to augment the existing roll call voting data record.

Congressional roll call voting data and the metrics derived from it are at the heart of the modern study of legislative politics. The ubiquity of roll call voting data in the field of

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<sup>1</sup>An important and related line of research involves the question of ideal point estimation and modeling (Clinton and Jackman, 2009; Clinton, Jackman and Rivers, 2004; Clinton, 2012, 2007; Clinton and Meirowitz, 2003).

Congress has given rise to a general complacency regarding the quality of these measures. Recent years, however, have seen scholars increasing scrutinizing the assumptions and hidden details too often overlooked in such widely used data (Roberts, 2007; Clinton, 2012; Noel, 2014; Caughey and Schickler, 2014; Bateman, Clinton and Lapinski, 2014). One important and frequently ignored problem that with a handful of exceptions has yet to receive such attention is the problem of missing roll call data in the form of abstentions from voting.

The problem of how to treat this missing data may appear to be a trivial technicality until one considers exactly how widespread and common congressional abstention is. At different periods of congressional history, the missing data problem (in the form of abstention rates) has been as high as 38% and as low as 7% (Poole and Rosenthal, 2007). This means that in some congresses, ideological estimates of members policy positions are based on a non-random selection of 62% of the votes taken. This large and non-randomly introduced missingness has the potential to substantially bias our estimates of members ideological positions, thus calling into question many of our answers to classic questions of congressional representation.

With few exceptions, missing roll call vote data is treated by scholars as if it is “missing at random” (MAR) and dropped or ignored in any subsequent analysis or metrics based on the roll call data Rubin (1976). This assumption may prove problematic if member’s abstentions are non-random, as may be suspected by the classic calculus of voting theory proposed by Downs (1957) and refined by Riker and Ordeshook (1986). While some work has been done to diagnose the potential implications of this problematic assumption (notably Poole and Rosenthal (1997) and Rosas and Shomer (2008); Rosas, Shomer and Haptonstahl (2015)), to date none have attempted to fill in the missingness with auxiliary information from the Congressional Record. To that end, I have constructed two new datasets: 1) Congressional Leave of Absence Dataset and 2) Personal Explanation Dataset that cover the 101st to 112th Congresses (1989-2012).

## 1.1 Missing Data Problem: How to Handle Abstention in Roll Call Voting Data

The classic calculus of voting theory proposed by Downs (1957) and refined by Riker and Ordeshook (1986) explicitly addresses the fundamental participatory question of whether or not it is rational to vote. Although most often applied to citizens' participatory decisions, similar logic applies to that of legislators:

$$EU(Voting) = pB - C + D \quad (1)$$

Where the expected utility of voting equals the probability of a vote impacting the outcome ( $p$ ) times the utility benefit (difference in utility between candidates), minus the cost of voting ( $C$ ), plus the democratic duty (goodwill feeling,  $D$ ) of voting. This calculus of voting becomes somewhat more complicated when we adapt it to legislators voting on roll call votes, when they may care about their personal policy preferences, the electoral ramifications of their constituents' preferences, the preferences and potential rewards/punishments handed out by party leaders, and finally the potential electoral costs of frequent shirking, in addition to the traditional cost benefit calculus items.

This classic calculus of voting, so often applied to turnout decision of voters, is frequently ignored by legislative scholars. There are sound reasons why academics have chosen to ignore this problem. Foremost among them, is the pragmatic need for data, need for ideological measures, and the non-trivial problem of the lack of any solution about how to address the problem. But there are also other, more substantive reasons for ignoring the problem. In his seminal work, *The Logic of Congressional Action*, Arnold (1990, pg, 62-63) alludes only briefly to the possibility of abstention on roll call votes by noting the irrationality of strategic abstention. He argued that media attention (often highlighted by congressional challengers) was so focused on participation rates that it "rarely makes political sense."

Further, he argued that interest groups view those who do not vote with them, as having voted against them, such that members abstaining would take a double political hit to both their participation rate and loss of favor with the interest group.

Thus the literature provides theoretical explanations both for and against strategic abstention (shirking).<sup>2</sup> The empirical literature on the subject is likewise mixed. Cohen and Noll (1991) took an early innovative approach to studying abstention by exploring repeated House roll call votes over a number of years regarding appropriations for a nuclear reactor during the 1970s and 1980s. They provide a formal model and estimated a binary logistic regression conditional on voting and found that supporters of a bill are more likely to abstain than opponents, conflicted legislators are more likely to vote on the losing side, but will abstain on close votes, and indifferent legislators will abstain on lopsided votes and trade their votes otherwise. Turning to abstention and roll call voting more broadly, In Chapter 10 of their seminal *Ideology & Congress* book, Poole and Rosenthal (1997, 2007) briefly explore the question of abstention and find evidence that abstentions are correlated with the cost of voting, the vote margin, and ideological indifference on the subject of the vote.

Most of what we know on the topic of strategic abstention and legislative roll call voting comes from a series of papers by Rothenberg and Sanders (Rothenberg and Sanders, 1999, 2000*a*, 2002). They find that many of the classic calculus of voting factors that might influence the probability of being pivotal (closeness of the vote, and the polarization of the vote) have no impact, rather they emphasize the relationship between the day of the week of the vote and potential electioneering tradeoffs faced by members. Their findings contradict those of Forgette and Sala (1999)'s study of the U.S. Senate which finds (consistent with Conditional Party Government theory) that abstention rates lower on party votes. Most recently, Cohen (2012) demonstrated a relationship between temperature (heat) in

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<sup>2</sup>A related strain of literature examines the last period problem of how retiring legislators who no longer face re-election constraints behave both in terms of abstention and substantive voting. See Lott (1987, 1990); Zupan (1990); Bender and Lott (1996); Rothenberg and Sanders (2000*b*); Nokken (2013).

Washington DC and abstention, and Brown and Goodliffe (2013) explored abstention in state legislatures finding state legislative shirking on both close votes and important (major) votes, in addition to variation in legislative professionalism and salary impacting absenteeism. Perhaps of greatest relevance for future work on this project, Rosas and Shomer (2008) and Rosas, Shomer and Haptonstahl (2015) examine non-random abstention cross-nationally, documenting its existence, and build a “competing principals” model for estimating ideal points with strategic abstention.

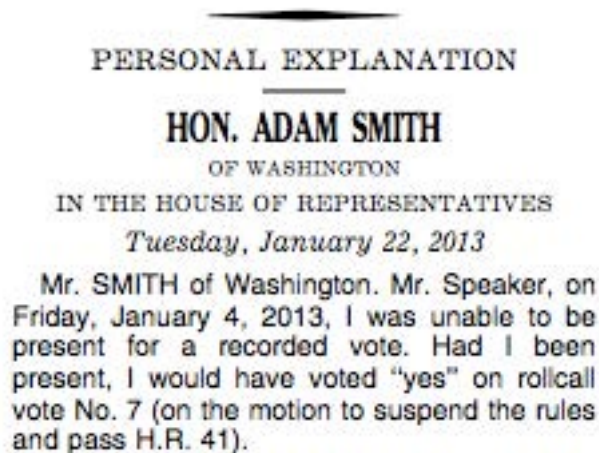
While all of these studies shed light on the scope and nature of the problem of abstention and missing data, they are limited in what they can do to address problems of missing data and abstention without additional information to augment the voting matrix. In the following sections I introduce this new personal explanation data and leave of absence data, explain how they can augment and address our understanding of roll call voting data and abstention, and conclude with some preliminary explorations of three questions that can be answered with this data.

## 2 Introducing Personal Explanation Data

The first, and simplest step, we can take toward combatting the problem of missing roll call vote data is to complete the data wherever possible. Namely, if we knew how members would have voted had they been present, then using that vote intention would be (likely) be preferable to dropping the vote entirely. Fortunately, the House of Representatives has a commonly used procedure by which members can do exactly that. Members who miss a vote for any reason (with a formal Leave of Absence or without one), may insert a “Personal Explanation” into the *Congressional Record*, in which members note how they claim they would have voted on the issue had they been present for the vote (Koempel, Straus and

Schneider, 2008).<sup>34</sup> Figure 1 below shows the Personal Explanation of Rep. Adam Smith (D-WA) and is typical of how most personal explanations appear in the Congressional Record.

Figure 1: Personal Explanation Example. Extension of Remarks - Congressional Record. January 22, 2013.



The term “Personal Explanation” is a bit of a misnomer, and imprecise to say the least, in that members provide no explanation for either their absence or the direction of their vote. Rather, it is simply a record of what they claim they would have done had they been present to do so.<sup>5</sup> As Koempel, Straus and Schneider (2008) explain in their *Congressional Research Service* report this practice dates to at least the 29th Congress (1845-1847), and is purely symbolic having no impact on the outcome of the vote.

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<sup>3</sup>The verbatim rules regarding a “Personal Explanation” are included in the Appendix A, Figure 3, last paragraph.

<sup>4</sup>Since the advent of electronic voting in the 93rd congress, members may use the same procedure if they believe their vote was incorrectly recorded, though the Congressional Research Service estimates that incorrectly recorded electronic votes has had no impact on the outcome of any roll call votes (Koempel, Straus and Schneider, 2008). In their survey of 30 years of electronic voting issues in personal explanations, Koempel, Straus and Schneider (2008) find electronic voting errors comprise less than 1% (0.62% to be precise).

<sup>5</sup>In using the term “claim” to describe the members’ stated voted intention, I cast no aspersions on the veracity of the stated vote intention, but rather am attempting to distinguish between actual votes with legislative consequences and stated vote intention with no binding legislative consequences (in essence a pure position-taking exercise).

To the best of my knowledge, aside from the examination of electronic voting errors by the *Congressional Research Service* the only previous attempt to collect this data was by Congressional Quarterly (Annual). In their annual almanacs, they printed these personal explanations and used the data to create a summary “On the Record Score” of each member’s participation –namely the fraction of votes on which he or she publicly declared a position either by voting, issuing a personal explanation in the congressional record, or responding to a Congressional Quarterly Poll asking how they would have voted. It was this summary “On the Record Participation” metric that Fiorina used in his work on abstention in the 85th, 88th and 91st Congresses in *Representatives, Roll Calls, and Constituencies*(Fiorina, 1974). Fiorina (1974)’s study is the only academic work I have found to examine personal explanation data (it looked at how personal explanation data impacted aggregate abstention (participation) metrics). Thus, we know very little about how the inclusion of personal explanation data may, or may not, impact our roll call based metrics of legislative behavior.

### 3 Introducing Leave of Absence Data

Once member’s stated vote intention is incorporated into the roll call voting data, one natural next step is to harness additional information to assess whether an abstention is deliberate or missing at random. Here again we can turn to a commonly used but rarely studied procedure whereby members who miss a roll call vote for any non-political reason may request a “Leave of Absence” from the House of Representatives. This “Leave of Absence” procedure is analogous to an excused absence from high school in which a parent or guardian writes a note vouching for the appropriateness of the absence. In this case, it is a member’s Party Leader inserting a note into the Congressional Record on the member’s behalf vouching that it is a non-political absence. Figure 2 below shows a typical Leave of Absence notation in the Congressional Record.

Figure 2: Leave of Absence Example. Congressional Record. May 6, 2014.

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LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ADERHOLT (at the request of Mr. CANTOR) for today on account of the recent tornadoes in Alabama.

Mr. GRIFFIN of Arkansas (at the request of Mr. CANTOR) for today on account of the recent tornadoes in Arkansas.

Mr. NUNNELEE (at the request of Mr. CANTOR) for today on account of the recent tornadoes in Mississippi.

Mr. RUSH (at the request of Ms. PELOSI) for today on account of attending to a family matter.

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The leaves of absence noted in the Congressional Record above (from May 6, 2014) are fairly typical. Most of the time, though not always, members will offer a brief explanation for why the member was requesting a leave of absence. In this example, three members requested a leave for a single day due to recent tornado activity in their home states (Alabama, Arkansas, and Mississippi), and the final member (Rep. Holt) requested leave because he was “attending to a family matter.” Typically, the excuses offered fall in one of eight categories: personal illness/medical, official business, personal reasons/business, travel, funeral, family reasons, emergency, and primary elections. I’ve coded the excuses offered into these eight categories, and in future research, I plan to further explore this auxiliary information.

One complicating feature of the leave of absence notes in the Congressional Record is that they typically specify a day, or certain hours during the day, but do not mention specific roll call votes. In collecting and entering the leave of absence notes into a roll call dataset, one of the most time consuming tasks was to hand code the day and partial day descriptions into

specific roll call votes. For the purposes of this paper, the leave of absence data is analyzed at the vote rather than the date level.

Although it has gone largely unnoticed by political scientists, this Leave of Absence practice dates back to at least the 53rd Congress (1893-1895) when missing votes was so widespread and problematic for the functioning of the House that members without a Leave of Absence were fined for missing votes (Hinds, 1907, Section 3011).<sup>6</sup> By using this Leave of Absence data, we can attempt to distinguish between strategic (political) and non-strategic (apolitical) abstention. This is not to say that the Leave of Absence procedure is fully immune from political manipulation. To carry the academic excuse analogy one step further, college professors are well-aware of the perils of exam time for the health of grand-parents (or at least the frequency of excuses received). While there may be some manipulation of the Leave of Absence procedure, on average, absences excused by “Leaves of Absence” should be less strategic (political) than absences not excused.

## **4 The Fundamentals: Leave of Absence and Personal Explanation Descriptive Data**

For pragmatic reasons, I have collected the data from the 101st to 112th Congresses. While earlier periods of congressional history which featured even higher levels of abstention might be more interesting and important for a variety of substantive reasons, pragmatically, the fact that the Congressional Record is not text searchable until the 101st Congress means that the earlier Congresses are much more time-consuming and difficult to collect.

Table 1 below shows the overall count of roll call vote responses and incorporating: actual roll call votes, leave of absence information, and personal explanation information.

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<sup>6</sup>Recently, Rep. Charles Boustany (R-LA) has attempted to revive the practice of fining members for missing roll call votes by sponsoring H.R. 6085 “No Show, No Pay Act.”

While I collected the leave of absence data and the personal explanation data from the Congressional Record, I should note that the original roll call data matrices here come from the `voteview.com` website.<sup>7</sup>

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<sup>7</sup>The 101st roll call data and codebook was originally created by the ICPSR and was modified and cleaned by Keith Poole. The 102nd-108th congresses were compiled by Keith Poole and Nolan McCarty. The 109th-112th congresses were compiled by Jeff Lewis and Keith Poole.

Table 1: Frequencies: Votes, Leave of Absence and Personal Explanation

Description	Frequency
Not in Congress	92,941
Yea	1,798,500
Paired Yea	290
Announced Yea	40
Announced Nay	39
Paired Nay	273
Nay	1718,957
Present	1,618
Present	266
Not Voting	106,257
Missed + Leave of Absence	16,984
Voted Yea + Leave of Absence	766
Voted Nay + Leave of Absence	689
Paired Yea + Leave of Absence	2
Announced Yea + Leave of Absence	4
Announced Nay + Leave of Absence	0
Paired Nay + Leave of Absence	2
Present + Leave of Absence	1
Not a Member + Leave of Absence	2
Missed + Explan: Yea	5,690
Missed + Explan: Nay	5,212
Missed + Explan: Present	16
Nay + Explan: Yea	241
Yea + Explan: Nay	195
Nay + Explan: Present	1
Yea + Explan: Present	2
Yea + Explan: Yea	418
Nay + Explan: Nay	243
Missed + Leave of Absence + Explan: Yea	2,923
Missed + Leave of Absence + Explan: Present	2,600
Yea + Leave of Absence + Explan: Nay	3
Yea + Leave of Absence + Explan: Yea	16
Nay + Leave of Absence + Explan: Nay	21

For the most part the descriptions are self-explanatory, but there are some surprising results. There are instances in the data in which a member had a leave of absence but voted anyway, and there are also instances in the data in which a member voted one way, and then offered an explanation that they wanted to vote the other way. These instances are fairly rare given the approximately 6.7 million cases in the data. Given the volume of hand-coding involved, there may be errors that remain in the data, but I’ve done a substantial amount to eliminate coding error. Each vote was coded by two separate RAs, and any discrepancies were cross-checked by a third RA. I’ve further hand-checked some of the usual cases, and they do indeed exist.

The coverage of the leave of absence data and personal explanation data is fairly widespread. Table 2 below shows the coverage of personal explanation and leave of absence data in two recent congresses (111th and 112th).

Table 2: Data Coverage: 111th and 112th Congresses

	Description	Coverage
	Members without any missing votes	17 members (2%)
	Members entered at least one leave of absence	292 members (33%)
	Members entered at least one personal explanation	629 members (71%)
	Members w/ least one personal explanation and/or leave of absence	692 members (78%)

As seen in Table 2 above, the overwhelming majority of members (78%) entered at least one leave of absence or personal explanation over the two most recent congresses (111th and 112th). An additional 2% of members (17 people) had no reason to enter either a leave of absence nor a personal explanation, because they did not miss a single vote during this four year period.

## 5 How does pure position-taking differ from actual voting record?

To explore the question of how pure position-taking differs from actual roll call voting, I began by looking at how party voting differs across these two contexts. Of particular interest is how misaligned members (what Grimmer (2013) calls “marginal” representatives—Democrats who represent Republican districts and Republicans who represent Democratic districts—differ when they are engaging in purely symbolic position-taking and when they are engaging in consequential “real” voting behavior.

For the dependent variable, I follow Poole and Rosenthal’s definition of a party unity vote as a vote in which at least 50% of the Democrats vote against at least 50% of the Republicans. This analysis is run on the subset of party votes, and the dependent variable is a dichotomous variable in which voting with your party is coded as a 1, and voting against your party is coded as 0.

For this preliminary analysis, I have included two explanatory variables: member misalignment, and ideological extremism. Theoretically, we would expect members who are misaligned to behave quite differently across these two different contexts. In the traditional roll call voting context, members who are misaligned often face difficult voting decisions, particularly so on party votes in which there is clear disagreement between the parties on the desired outcome. Consider, for example, a Democrat who represents a Republican district.

On a party vote, they face a difficult decision between siding with their party and siding with their district. In these consequential voting situations their party will often pressure them to vote with their party and against their district, while their constituents and re-election motivated members will want them to vote against their party. By contrast in the pure position-taking context of the personal explanations, we would imagine the parties to exert substantially less influence as this is an effectively costless way for the member to ingratiate him or herself to the district.

To measure misalignment, I've created a dichotomous variable that is coded 1 under two circumstances: 1) when a district is represented by a Democratic member of Congress, and in the most recent presidential election the Democratic presidential candidate received less than 50% of the vote<sup>8</sup> in that district, 2) when a district is represented by a Republican member of Congress and in the most recent presidential election the Democratic presidential candidate received more than 50% of the vote in that district. In all other circumstances, members are coded as properly aligned (0).

The second variable I control for is a roll call voting based measure of ideological extremism, which is measured as the absolute value of the 1st Dimension DW-Nominate score. Almost by definition (in fact, mechanically so), members who receive ideologically extreme roll call voting scores should be substantially more likely to vote with their party in both contexts.

Finally, we want to synthesize both the leave of absence data and personal explanation data to understand differences in member behavior across three different contexts: actual roll call votes, how legislators claim they would have voted on vote they missed for a non-political reason, and how legislators claim they would have voted on a strategic abstention (when they did not obtain a leave of absence).

The advantage of comparing pure position-taking claims across different types of absten-

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<sup>8</sup>I am grateful to Gary Jacobson for sharing his presidential election voteshare data.

tion (leave of absence and abstention without a leave of absence) is that on average, we would expect leave of absence to be more randomly distributed and less deliberately chosen as a vote the member wanted to avoid. As discussed previously, the chamber and party rules regarding Leave of Absence dictate that they only be given for non-political reasons (See Figure 8) in Appendix A for the detailed guidelines), so that we would expect on average abstentions covered by a Leave of Absence to be less strategic than other abstentions.

Given the potential electoral costs of accruing too many missed votes, and the desirability of obtaining a leave of absence when they can do so, we would imagine misaligned members might be most likely to shirk on votes that put them in the most difficult position between party and electoral pressure. Therefore, as we compare a member’s decision to vote with his or her party across these two different types of pure position-taking exercises, we would expect members who are misaligned to be less likely to vote with their party in either case, but particularly in cases of strategic abstention.

To examine how misaligned members behave on party votes and controlling for ideological extremism, I ran three separate logistic regressions. Table 3 below displays the results of these regressions.

In Table 3, Model 1 (far left column) represents Pure Position-Taking personal explanations given by members who received a leave of absence, and the dependent variable is whether or not the explanation was in the direction of voting with the member’s party. This analysis is run on the subset of party votes, so that the party’s preferred vote direction is clear, and the subset of cases in which a member received a leave of absence and offered a personal explanation on a party vote. Model 2 (middle column) represents Pure Position-Taking personal explanations given by members who did not receive a leave of absence (presumed strategic abstention), and the dependent variable is whether or not the explanation was in the direction of voting with the member’s party. This analysis is run on the subset of party votes, so that the party’s preferred vote direction is clear, and the subset of cases in which

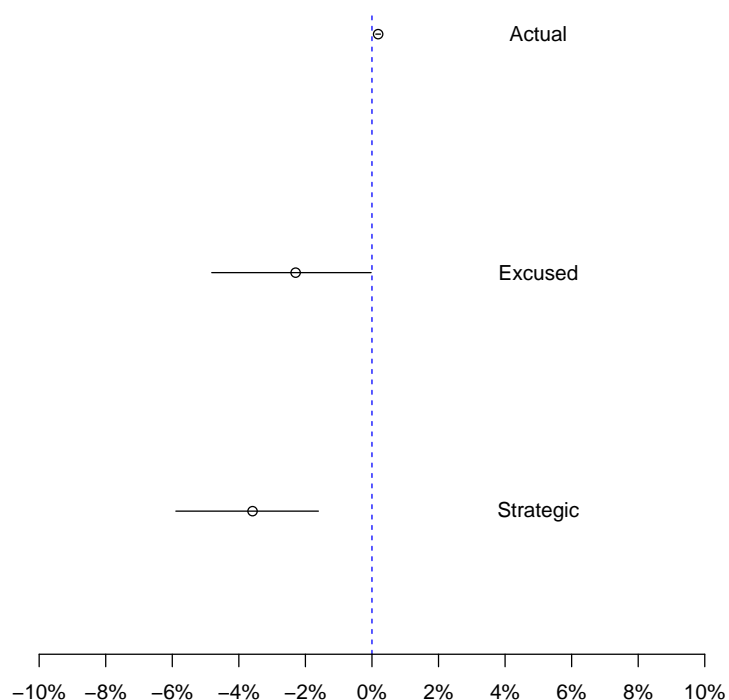
Table 3: Party Pressure in Modern Congress Across Different Voting Situations. Logistic Regression Results.

	<i>Dependent variable: Vote With Party</i>		
	Pure Position-Taking		Actual Roll Call Votes
	Excused Absence	Strategic Abstention	
	(1)	(2)	(3)
Misaligned	-0.268** (0.136)	-0.406*** (0.108)	0.024*** (0.005)
Ideological Extremism	4.238*** (0.424)	4.705*** (0.330)	5.258*** (0.015)
Constant	0.511*** (0.189)	0.263* (0.145)	0.192*** (0.006)
Observations	4,213	6,307	2,690,219
Log Likelihood	-1,295.575	-1,937.786	-840,138.100
Akaike Inf. Crit.	2,597.149	3,881.572	1,680,282.000
<i>Note:</i>			*p<0.1; **p<0.05; ***p<0.01

a member did not receive a leave of absence and offered a personal explanation on a party vote. Model 3 (far right column) represents voting behavior on actual roll call votes.

To ease the interpretation of the effect of being from a misaligned district in these different voting contexts, Figure 3 below shows the first differences.

Figure 3: Effect of Party Pressure for Misaligned Members



On actual roll call votes, members who are misaligned vote no differently than other party members. To be precise, they vote fractionally more often with their party than their properly aligned peers do, though the difference is not statistically significant. When as political scientists we rely upon traditional roll call voting measures, or ideology estimates derived from these traditional roll call votes, this is the behavior we observe and how we

measure representational outcomes.

In both the leave of absence context and the strategic abstention context, members who are misaligned are substantially less likely to say they would vote with their party than they do on actual roll call votes. If we compare the relationship between party voting and misalignment across the excused absence and strategic abstention context, we see a stronger relationship where members who are miss aligned are even less likely to vote with their party in the context of strategic abstentions (-3.6% mean first difference) than they are on excused absences (-2.3% mean first difference). It should be noted that the 95% confidence intervals on the first differences (impact of moving from aligned to not aligned) for Excused Absences and Strategic Abstention overlap, though consistent with our expectations the effects for strategic abstention are larger.

This difference between how members vote on actual roll call votes and how they claim they would have voted during a strategic abstention provides a new method of precisely identifying the effect of party pressure for these members. When party pressure is removed, and members are engaging in pure position-taking for their constituents, they are more likely to rebel against their party's wishes. **Thus we can identify the effect of party pressure on misaligned members to be approximately 4%.**

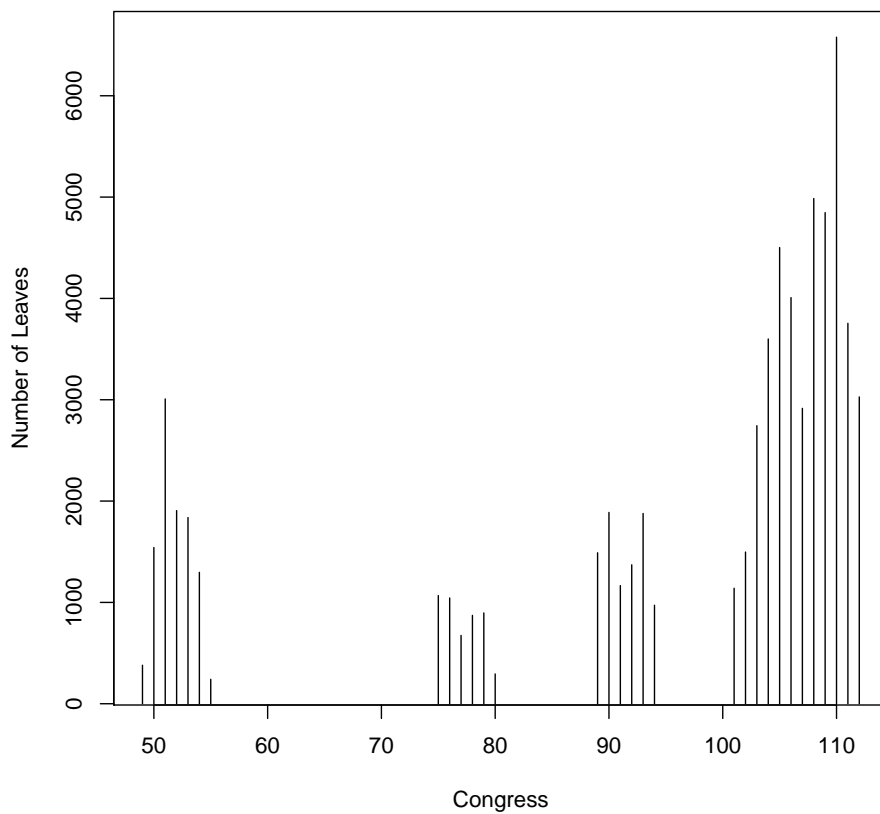
## 6 Earlier Eras of Congressional History

The Modern Congress that has been the focus of the paper thus far is not the only time that members have faced pressure from their party or have had legislative distancing tools at their disposal. Therefore, to put these findings into context, I have gathered comparable data on three earlier eras of congressional history: 1887-1897 (50-54 congresses), 1937-1947 (75-79 congresses), and 1965-1975 (89-94th congresses). I selected these three eras for comparison, because they represent variation in the level of missing votes, polarization, party unity, and

pairing.

Figure 4 below shows the number of leaves of absences used on roll call votes during these four periods of congressional history. As the figure reveals, members used leaves of absences during each of these periods, though the highest level of use is during the most recent congresses. While this may appear surprising given advances in transportation technology, more recent congresses have both more members and more frequent roll call votes than its predecessors.

Figure 4: Number of Leaves of Absences Over Time

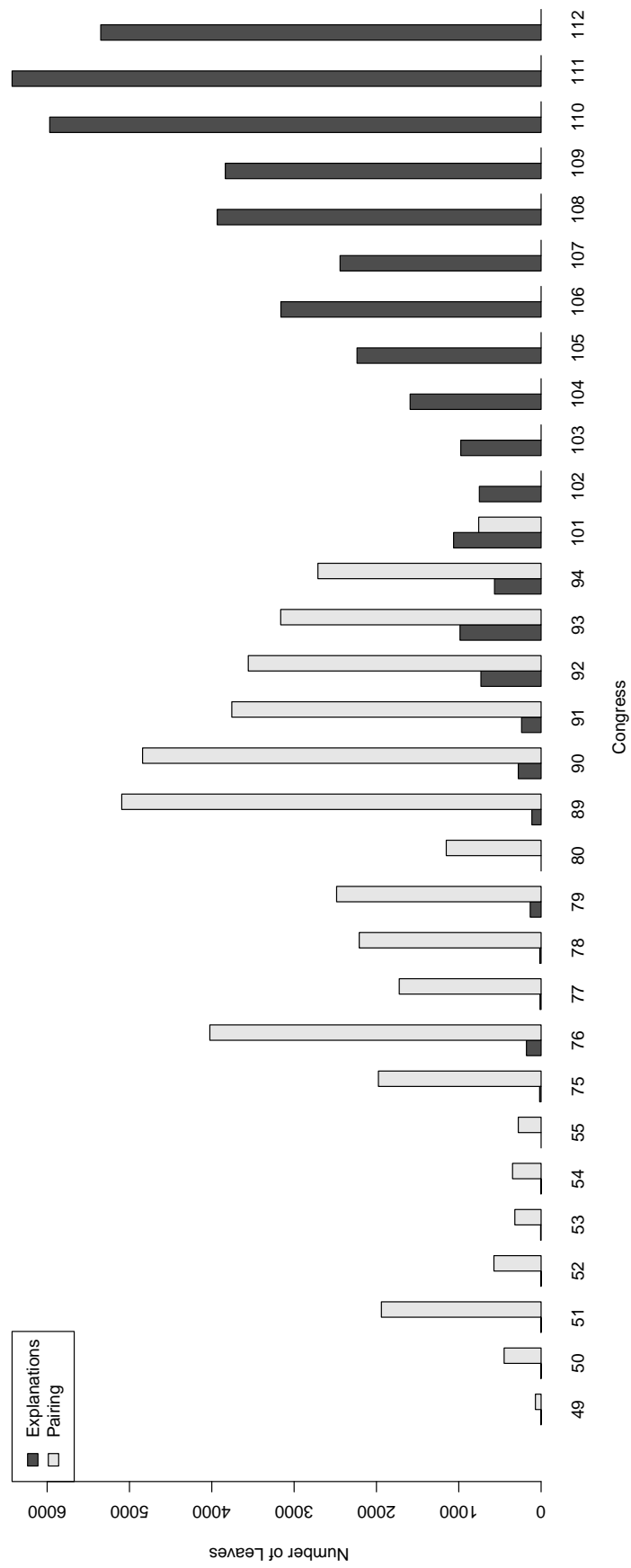


Turning from leaves of absences to actual legislative distancing mechanisms, Figure 5 below shows the use of two possible legislative distancing mechanisms over time. Up to this point, the focus of this paper has been on the use of personal explanations as a legislative distancing mechanism, because pairing has not been both rarely used and restricted by congressional rules since the 102nd congress. However, as 5 reveals, in earlier eras of congressional history pairing was used much more frequently than personal explanation. As the Congressional Research Service explains, pairing, "... was a procedure allowing Members who were absent to voluntarily agree to offset their votes and thus not affect the outcome of a vote," (Koempel, Straus and Schneider, 2008, pg. 72 ). Originally, congressional rules allowed for three types of pairs: 1) a general pair, 2) a specific pair, and 3) a live pair. A general pair allowed two absent members to be listed as not affecting a vote by pairing, while also not revealing the direction (yea or nay) that they were "voting." A specific pair allowed two absent members to be listed as pairing, and revealed which direction they were "voting." Finally, a live pair allowed one present member and one absent member to pair and revealed the direction of the pairing. The process of pairing was facilitated by the parties' pairing clerks (Koempel, Straus and Schneider, 2008). Thus the requirement of finding an opposing vote made pairing more restrictive than personal explanations. Further, beginning in the 106th Congress, the House further curtailed pairing, by eliminating both general pairs and specific pairs (Koempel, Straus and Schneider, 2008). The only form of pairing that continues to be allowed under the rules is a live pair, though it is infrequently used.<sup>9</sup> As Figure 5 indicates, personal explanations were used relatively rarely prior to the demise of pairing, though it is worth noting that their activity picks up prior to the formal end of pairing.

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<sup>9</sup>Although Koempel, Straus and Schneider (2008) indicate that the rule was not changed until the 106th Congress and references an instance of live pairing in recent years, the Voteview roll call data shows no pairing activity from the 102nd Congress to the 112th Congress. In the analyses that follow, I rely on the Voteview roll call data.

Figure 5: Pairing and Personal Explanations Over Time



Before turning to analyses of the party-sanctioned (legislatively costless) distancing mechanisms of personal explanations and pairing during these earlier periods, it is worth noting the variation in actual roll call voting behavior during these different eras. Table 4 below repeats my earlier analysis of how electorally misaligned members behave on actual roll call votes controlling for their past ideological extremism.<sup>10</sup> On actual party roll call votes, we observe misaligned members behaving quite differently across these four time periods. Contrary to the modern congress when we observe misaligned members voting very similarly to their peers (indeed, slightly more likely than their party-aligned peers to vote with their party), in earlier eras we see misaligned members voting against their party at substantially higher rates.

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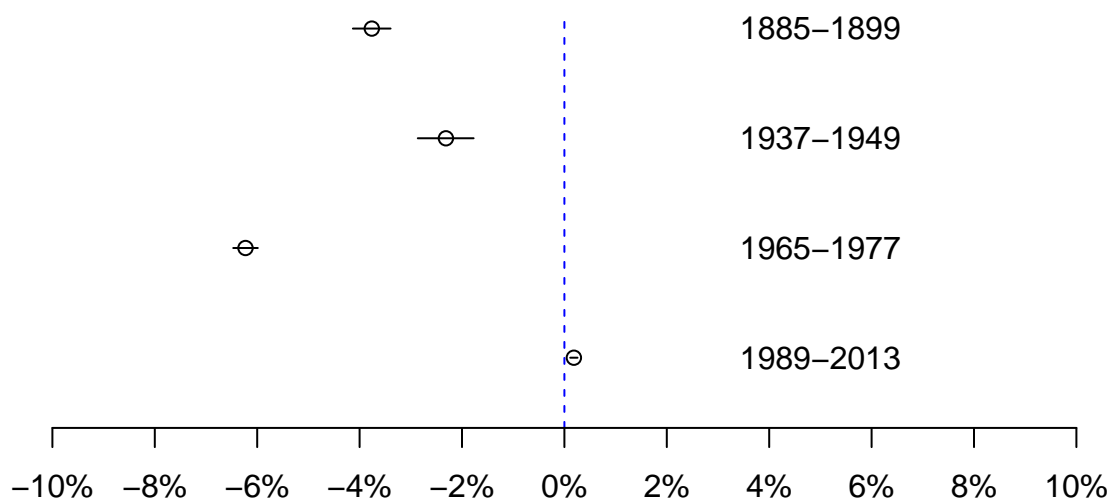
<sup>10</sup>As before, calculation of the misalignment variable is based on the most recent presidential voteshare in that congressional district. Unfortunately, presidential voteshare is not regularly available by congressional district during this period. I am grateful to Jamie Carson and Jason Roberts for sharing their calculations of presidential voteshare by congressional district for this period (Carson and Roberts, 2013). There are some congressional districts for which no reliable estimates were possible, and those have been omitted from these analyses.

Table 4: Misaligned Members on Actual Roll Call Votes in Different Eras. Logistic Regression.

	<i>Dependent variable: Voting with Party</i>			
	Actual Roll Call Voting			
	1885-1899 (1)	1937-1949 (2)	1965-1977 (3)	1989-2013 (4)
Misaligned	-0.350*** (0.016)	-0.176*** (0.021)	-0.364*** (0.007)	0.024*** (0.005)
Ideological Extremism	4.234*** (0.062)	4.011*** (0.066)	5.533*** (0.027)	5.258*** (0.015)
Constant	0.478*** (0.025)	0.890*** (0.013)	-0.092*** (0.008)	0.192*** (0.006)
Observations	206,895	127,027	490,582	2,690,219
Log Likelihood	-71,829.670	-55,597.690	-246,264.300	-840,138.100
Akaike Inf. Crit.	143,665.300	111,201.400	492,534.500	1,680,282.000
<i>Note:</i>			*p<0.1; **p<0.05; ***p<0.01	

To facilitate the comparison of the effect of electoral misalignment on actual roll call voting across these different periods from these logistic regressions, Figure 6 shows the effect of misalignment in these different periods, holding ideological extremism constant at the period mean based on first difference simulations. The circles show the point estimates, and the lines show the 95% confidence intervals revealing the difference between being misaligned and properly aligned on the probability of voting with one's party on actual party roll call votes.

Figure 6: Effect of Misaligned on Actual Roll Call Votes in Different Eras



By comparing across these different periods in Figure 6, shows that prior to the modern congress, members who were electorally misaligned seem to have been willing to distance themselves from their party on actual roll call votes at much higher rates. Indeed, we observe

misaligned members during the 1965-1975 period being over 6% more likely to defect from their party on actual roll call votes after controlling for ideological extremity. Thus, members appear to have been much more free (willing) to defect from their party on actual binding legislative votes, than members in more recent congresses.

As Figure 5 revealed, legislative pairing was the most commonly used form of casting symbolic votes (votes that had no impact on the legislative outcome) during this period. Unfortunately, we lack sufficient numbers of pairing with a leave of absence to be able to fully reproduce our analyses from the modern period. We can, however, pool over these three earlier time periods to compare how misaligned members behave under actual votes, pairing when they have a leave of absence (non-strategic abstention) and pairing when they do not have a leave of absence (strategic abstention).

Table 5 below shows logistic regressions of whether or not a member votes with his or her party on the subset of party votes under those three different voting circumstances. Despite the overall greater willingness of misaligned members to defect on actual roll call votes during these earlier periods of congressional history, we observe that as with members in the modern congress, they are even more likely to with their district and against their party when their vote is costless to their party. In the (relatively) non-strategic abstention situation when members have a leave of absence they pair against their party at even higher levels than their actual roll call votes. And further, when they lack a leave of absence and may be strategically abstaining, they claim to vote with their district and against their party at still higher levels.

Table 5: Misaligned members across different types of voting situations: actual roll call voting, pairing with a leave of absence (non-strategic abstention), and pairing without a leave of absence (strategic abstention). The results are pooled across three time periods: 1887-1897, 1937-1947, 1965-1975. Logistic Regression.

	<i>Dependent variable: Voting with Party</i>		
	Actual	Pairing	
		Leave	No Leave
	(1)	(2)	(3)
Misaligned	-0.479*** (0.006)	-0.622*** (0.200)	-0.703*** (0.037)
Ideological Extremism	4.866*** (0.020)	7.073*** (0.788)	5.740*** (0.134)
Constant	0.256*** (0.006)	0.402** (0.165)	0.102*** (0.038)
Observations	824,504	982	20,161
Log Likelihood	-378,192.800	-373.485	-9,257.160
Akaike Inf. Crit.	756,391.600	752.970	18,520.320

*Note:*

\*p<0.1; \*\*p<0.05; \*\*\*p<0.01

To facilitate comparing across these different type of voting situations, as well as comparing the results to the modern congresses discussed earlier in Figure 3, Figure 7 shows the results from the historical pooled regressions as well as the modern period.<sup>11</sup> The dots represent the point estimates, and the lines represent the 95% confidence intervals on the effect of being misaligned on voting with one’s party controlling for ideological extremity.<sup>12</sup>

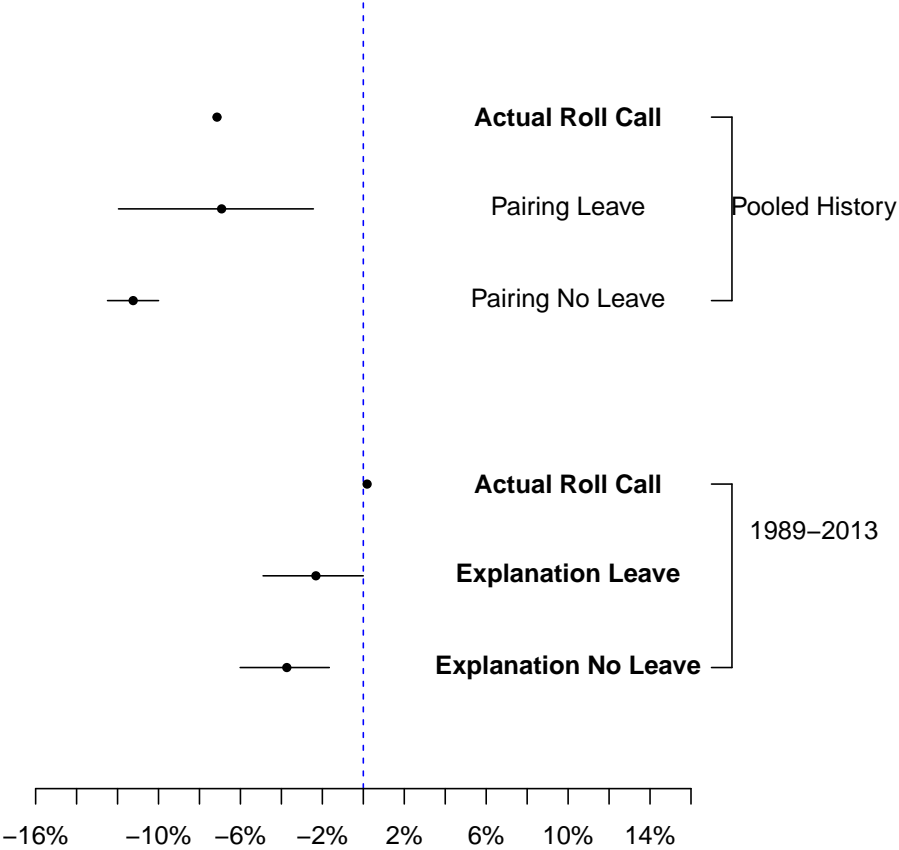
In the pooled historical analysis, we see the effect of being misaligned is approximately -7% on actual roll call votes, and approximately -11% when they are in the context of pairing without a leave of absence (strategic abstention). Thus we observe a difference of approximately 4 percentage points that may be attributable to party pressure during these historical eras. In contrast, in the modern congress, we see the the effect of being misaligned is approximately +0.2% on actual roll call votes, and approximately -4% when they are in the context of pairing without a leave of absence (strategic abstention). Thus we observe an almost identical difference of 4 percentage points in both the modern and pooled historical periods between actual roll call voting and symbolic vote casting under strategic abstention.

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<sup>11</sup>Figure 9 in the appendix shows the results broken down by individual historical periods. As discussed earlier, we lack sufficient cases for some sub-categories of voting types in individual historical eras. Models that lack sufficient cases or in which the misaligned variable fails to achieve statistical significance due to power problems are indicated with an x for the point estimate, and are not bolded.

<sup>12</sup>For the actual roll call vote estimates, the confidence intervals are not visible, because they are so narrow they are covered by the dot of the point estimate.

Figure 7: Effect of Misaligned on Different Types of Votes in Different Eras



## 7 Conclusion

In this paper, I introduced two new datasets: leave of absence data and personal explanation data. I argued that electorally misaligned members use *Personal Explanations* as a way to costly distance themselves from their party, while the *Leave of Absence* data helps us to identify when they are doing so strategically. My preliminary findings suggest that in both modern and historical congresses members who are electorally misaligned claim they would have voted with their district and against their party much more often than they actually do on roll call votes, and this holds even after controlling for ideological extremism.

These results are suggestive of the idea both that representatives from districts that are misaligned are less likely to represent their constituents' opinions on meaningful roll call votes than they are on symbolic position-taking exercises; instead they appear to be caving to party pressure substantially more often. Further, and perhaps, of greatest importance for those seeking to use roll call voting based ideology metrics, it is suggestive that these metrics may be distorted by party pressure, and do not capture a member's true ideological preferences. Indeed, if we extrapolate beyond just the individual metrics, they may be exaggerating the true degree of ideological polarization in the chamber.

In sum, leave of absence and personal explanation data can be used for a variety of purposes—as a solution to missing data problems, to identify the effect of party pressure, and to assess the quality of congressional representation. These results provide preliminary evidence in support of biases in representation. Representatives from misaligned districts are less likely to represent their constituents' opinions on meaningful roll call votes than they are on symbolic position-taking exercises. Instead they seem to be caving to party pressure substantially more often on actual roll call votes.

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# Appendix: Leave of Absence Rules and Personal Explanation Procedure

Verbatim rules regarding a “Leave of Absence” and the procedure for entering “Personal Explanations” into the Congressional Record from the Republican Cloakroom website of the Speaker of the House John Boehner (The Republican Cloakroom, Speaker of the House John Boehner, 2014).

Figure 8: Republican Party Rules

## **Leave of Absence**

If a Member is absent and misses votes for a substantial period of time, the Member or his staff may request a Leave of Absence from the House. Upon request, the Cloakroom staff will complete a Leave of Absence form which states the dates of the Member’s absence and the reason for his/her absence. The form is signed by the Republican Leader and laid before the House at the conclusion of legislative business for the day.

Decades ago, an absent Member was fined by the House. That is no longer the case. But a Leave of Absence is printed in the Congressional Record and announces the reason for one’s absence. Members may choose reasons that are general, such as “official business” or “illness,” or something more specific such as “having my appendix removed” or “inspecting damage in the district from Hurricane Katrina.” Members may not use political reasons for an absence. Members may choose not to request a Leave of Absence if he/she believes it would draw unnecessary attention to his/her absence.

Whether or not one chooses to request a Leave of Absence, a Member may wish to prepare a statement on how he/she would have voted on the votes that were missed. These statements, like any statement for the Congressional Record, must bear an original signature of the Member. If a statement is submitted to the Cloakroom within a few hours of the missed vote, it will be printed in the Record immediately following that vote. A typical statement would be:

**Mr. Speaker, on Roll Call # \_\_\_\_ on the \_\_\_\_ amendment on HR 12234, I am not recorded (because I was absent due to illness.) Had I been present, I would have voted (Aye/nay.)**

In addition to the above, Members should notify the Republican Whip of their absence.

Figure 9: Effect of Misaligned on Different Types of Votes in Different Eras

